

**CITY COUNCIL MEETING
CITY OF WATERTOWN
May 21, 2012
7:00 P.M.**

Mayor Jeffrey E. Graham Presiding

Present: **Council Member Roxanne M. Burns
Council Member Joseph M. Butler, Jr.
Council Member Teresa R. Macaluso
Council Member Jeffrey M. Smith
Mayor Graham**

Also Present: **John C. Krol, City Manager
Robert J. Slye, City Attorney**

City staff present: Jim Mills, Ken Mix, Kurt Hauk, Elliott Nelson, Amy Pastuf, Brenda Harwood, Erin Gardner, Gene Hayes, Mike Lumbis

The City Manager presented the following reports to Council:

- Resolution No. 1 - Supporting Additional Apartment Approval, North Country Transitional Living Services, Inc., 725 Davidson Street
- Resolution No. 2 - Approving the 2012 Youth Employment Training Program Contract
- Resolution No. 3 - Accepting the Bid for the Construction of the Marble Street Park Restroom Facility, 34 & Co., Inc.
- Resolution No. 4 - Approving Grant Application Between the City of Watertown and the Edward Byrne Memorial Justice Assistance Grant Program, FY 2012 Local Solicitation
- Resolution No. 5 - Accepting Bid for Paratransit Services, Guilfoyle Ambulance Service
- Resolution No. 6 - Accepting Bid for Reconstruction of Clinton Street, North Country Contractors, LLC
- Resolution No. 7 - Approving Property Donation; 429 Factory Street, Parcel No. 6-04-303.000
- Ordinance No. 1 - An Ordinance Authorizing the Issuance of \$1,215,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Costs of the Reconstruction of Portions of
- Clinton Street, Including Street Repaving, Sidewalks and Related Right-of-Way Improvements, and Storm Sewer, Water Main and Sanitary Sewer Work, in and for Said City
- Ordinance No. 2 - Amending Section 216-6 of the City Code of the City of Watertown, Ballplaying
- Ordinance No. 3 - Amending City Municipal Code § A320, Schedule of Fees
- Ordinance No. 4 - Changing the Approved Zoning Classifications of Various Properties on the River Side of East Main Street and the North Side of Water Street in Order to Implement the Local Waterfront Revitalization Program

- Crash Course in Economic Development
- Fountain Project at Flower Memorial Library
- Barben Avenue Sewer Extension
- Fairgrounds Arena Locker Room Estimate
- Sales Tax Revenue – April 2012
- CitiBus Pickup Truck with Plow
- Clock Tower
- Work Session Schedule

Complete Reports on file in the office of the City Clerk

Moment of silence and pledge of allegiance were held at the beginning of the adjourned session.

The reading of the minutes of the regular meeting of May 7, 2012, and adjourned meetings of May 8, 2012, May 14, 2012, May 18, 2012 and May 19, 2012, was dispensed and accepted as written by motion of Council Member Smith, seconded by Council Member Macaluso and carried with all voting in favor thereof.

COMMUNICATIONS

A letter was received from McLaughlin Kehoe & Linehan Insurance Agency requesting countermanding broker of records and competitive price quoting from other prospective brokers.

Above was placed on file in the office of the City Clerk.

A Notice of Claim was received from The Hartford Insurance Group on behalf of an employee of Stream Global Services for incident occurring on April 17, 2012 at 146 Arsenal Street, Watertown, New York. A copy of this was forwarded to the City Manager and the City Attorney.

Above claim has been referred to the Board of Audit.

PRIVILEGE OF THE FLOOR

Tucker Wiley, Cape Vincent, addressed the chair representing the firefighters union in the City of Watertown, concerning inspections in the City. Mr. Tucker read from a prepared statement (not on file in the Office of the City Clerk), highlighting an excerpt from the New York State Fire Code. He detailed what the fire department does annually regarding inspections. He mentioned that after a recent meeting with Mr. Krol, the fire department will be allowed to do “safety surveys” which he said are not the solution. He added that when the City Code was changed in 2005, the power to remedy code problems was taken away from the fire department. Mr. Wiley said that taxpayer dollars are being spent to duplicate services to fix a system that was

never truly broken. He said Title 19 of the New York State Code says municipalities must provide fire safety and property maintenance inspections in their local law. Mr. Wiley noted when section 148 of the City Code was gutted the provisions were removed which had allowed the department to inspect and remedy violations as seen fit while on duty. He said the law needs to be changed so the fire department has the power to make orders to remedy violations at any time of day or night. Mr. Wiley mentioned that the driving force, in his mind, is that Chief Hermann and Mr. McWayne do not like each other, which did not matter until now because it affects the way the fire department and codes work, how taxpayer money is spent and the general safety of the public in the City. He concluded by saying that he can, and will, back up anything he has said during privilege of the floor.

Mayor Graham noted that while this is public comment section, any Council Members with questions will get in touch with Mr. Wiley. He added that if Mr. Wiley would like to submit any written documents, the Clerk would accept and distribute them.

Chris Angelo, 717 Davidson Street, addressed Council regarding the proposal for the addition to a house, two houses from his own, referring to Resolution 1 on the agenda. He explained that Transitional Living is trying to add an addition to an existing house to house a special needs individual. He said he has three children, two of which live with him, and there are several children in the neighborhood. Mr. Angelo added that this proposal is very concerning and he wanted to bring it to the table so it can be discussed. He said he and his neighbors were not given any notice regarding the addition and said it does not seem very safe, given the fact that there are many children of a young age in close proximity. Mr. Angelo said he would like to discuss it further and go through any means necessary to have the resolution not be approved.

Jill Netto, 721 Davidson Street, addressed the Chair and said she is directly next door to the residence in question. She commented that she is speaking for her children and their safety because neighbors do not know who is occupying the house and what type of mental illness they might have.

RESOLUTIONS

Resolution No. 1 - Supporting Additional Apartment Approval, North Country Transitional Living Services, Inc., 725 Davidson Street

Introduced by Council Member Jeffrey M. Smith

WHEREAS the North Country Transitional Living Services, Inc. desires to add an additional bedroom to an existing apartment in the North Country Transitional Living Services Apartment Treatment Program located at 725 Davidson Street, and

WHEREAS the North Country Transitional Living Services, Inc. currently operates a 33 bedroom Apartment Treatment Program at sites throughout the City of Watertown, and

WHEREAS under Section 41.34 of the New York State Mental Hygiene Law, North Country Transitional Living Services must notify the City of Watertown when it intends to add

additional bedrooms to its Apartment Treatment Program locations, and

WHEREAS under the Mental Hygiene Law, the sponsoring agency, North Country Transitional Living Services, Inc., is asking the City of Watertown to consider its request, and

WHEREAS the City of Watertown has reviewed the request submitted by North Country Transitional Living Services, Inc.,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the request to add an additional bedroom to an existing apartment in the North Country Transitional Living Program located at 725 Davidson Street.

Seconded by Council Member Joseph M. Butler Jr.

Council Member Smith noted he has several questions on this resolution and the reason he introduced it is because if there was no action taken, in 40 days it would be considered an approval. He said he would like to make a motion to table it and at a future work session have someone from Transitional Living Services present to explain it. Council Member Smith commented that he did not recall approving other persons in the residence and wondered if this individual is different than the others living there currently.

Motion was made by Council Member Smith to table the foregoing resolution, seconded by Council Member Council Member Butler and carried with all voting in favor thereof.

Resolution No. 2 - Approving the 2012 Youth Employment Training Program Contract

Introduced by Council Member Roxanne M. Burns

WHEREAS the Jefferson County Department of Employment and Training and the Jefferson-Lewis Workforce Investment Area has allocated to the City of Watertown three (3) funded training positions under the Summer Youth Employment Training Program, and

WHEREAS various departments of the City of Watertown can provide training opportunities for young people of the community, and

WHEREAS the City and Jefferson County Department of Employment and Training have cooperated in past years with this same program,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby authorizes the City's participation in the 2012 Summer Youth Employment Training Program, and

BE IT FURTHER RESOLVED that the City Manager, John C. Krol, is hereby authorized and directed to execute the Youth Employment Training Program Contract on behalf of the City of Watertown.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.

Resolution No. 3 - Accepting the Bid for the Construction of the Marble Street Park Restroom Facility, 34 & Co., Inc.

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City's Purchasing Department has advertised for sealed bids for the construction of a restroom facility at Marble Street Park as part of the Bicentennial Park and Marble Street Park Improvements Project, and

WHEREAS plans and specifications were issued to nine (9) prospective bidders, with four (4) bids being received and publicly opened and read in the City Purchasing Department on Thursday, April 26, 2012, at 11:00 a.m., local time, and

WHEREAS the City Purchasing, Engineering and Planning Departments have reviewed the bids and are recommending that the City Council accept the bid submitted by 34 & Co., Inc. of Watertown, New York in the amount of \$99,000 as the lowest qualifying bid meeting City specifications, and

WHEREAS the bid specifications also included "Alternate # 2" for the installation of an electronic timed locking mechanism for the restroom doors in the amount of \$2,000,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York accepts the base bid submitted by 34 & Co., Inc. of Watertown, New York in the amount of \$99,000 for the construction of a restroom facility at Marble Street Park as the lowest qualifying bid meeting City specifications, and

BE IT FURTHER RESOLVED that the City Council also accepts Bid Alternate # 2 for the installation of an electronic timed locking mechanism for the restroom doors in the amount of \$2,000, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized to enter into and execute a Project Agreement with 34 & Co., Inc. for the project.

Seconded by Council Member Joseph M. Butler

Council Member Butler inquired about the square footage of the construction project.

Mr. Lumbis replied it is 422 square feet.

Council Member Butler noted that spending \$100,000 on a 400 square foot building sounds like a lot of money. Constituents are going to ask why the cost is so high, he said.

Mr. Lumbis discussed the price per square foot of the facility. He noted the design reflected a very sturdy structure to help combat vandalism. He said the project is partially funded by a grant

so a portion of the cost is split 50/50 and the amount that is over would be paid for entirely by the City. In total, he said, the City's share would be \$66,800. He noted that \$68,400 is eligible to be submitted for reimbursement through the grant and the City would receive half of that back, which is \$34,200.

Council Member Butler inquired about the structure itself and of what it is constructed.

Mr. Lumbis said it is concrete block, with two restrooms on each side including one handicap accessible stall on each side.

Council Member Burns asked for clarification on the memo regarding the bid from TMAChanical, which was non-responsive to the bid specifications.

Mrs. Pastuf replied that the company was non-responsive because they only included specs for plumbing.

Council Member Burns said she questions spending \$100,000 on a restroom. She said the City has put a lot of money into the trail systems and recreational facilities, reflecting the importance of quality of life issues. Council Member Burns recalled hearing some of the library issues and concerns with security and that she cannot imagine spending that amount of money on a restroom. She noted that there is not much difference between the two options, and if this resolution gets approved, she said she would want to add alternate number two which has the automatic lock feature which prevents the need for staff to come lock the doors at night. Council Member Burns said she is not sure that this is a priority at this point.

Council Member Macaluso questioned if the restrooms have to be separate but rather just one unisex option.

Mr. Lumbis replied that is an option that could be explored. He suggested reducing the number to one stall per side.

Council Member Butler asked if there is much demand for a restroom at this facility.

Mr. Lumbis said he is not sure, but suggested contacting Parks and Recreation on the matter.

Council Member Burns asked if some of the City sponsored leagues play at this field.

Mr. Lumbis said there are leagues that play there, although he said he is not sure which ones.

Council Member Smith noted his concern is that at just over 400 square feet, the size is comparable to a garage and he said he cannot imagine spending that amount of money on a structure of that size.

Mr. Lumbis replied that when doing construction projects, the most expensive parts are kitchens or restroom areas and this structure is going to be very sturdy.

Council Member Smith said he cannot support this as it is. He suggested having it be a one stall, unisex facility and hoped the price would be more reasonable. He noted the fairgrounds is a very active area with no bathroom facilities outside the arena.

Mayor Graham agreed that it is a lot of money, but the idea was to make these park areas friendlier to a variety of people. Whether it be this type of restroom or a portable one, he said it is important for people to be able to have access to that amenity. He noted it is more than he would like to spend but it was a competitive bidding process, with the other bids coming in higher. Mayor Graham inquired if the fixtures were stainless steel.

Mr. Lumbis replied that stainless steel does not wear well, it is tough to keep clean. The fixtures, he said, will be porcelain.

Mayor Graham said he thinks there should be some facility, mentioning the idea to scale back the plans to include a trough in the men's room and a single stall. He suggested tabling the resolution and reconfiguring the project it to make the dollar amount more palatable.

Council Member Butler agreed there should be a permanent facility available to the public. He suggested scaling it back to two stalls with handicap accessibility. He added that the plumbing is a big portion of the project. Council Member Butler asked what is required for that area.

Mr. Hauk replied that the number of stalls is dictated by demand and that new construction has to meet current code standards.

Mayor Graham asked if Council would like to table the resolution.

Motion was made by Council Member Butler to table the foregoing resolution, seconded by Council Member Macaluso and carried with all voting in favor thereof.

Resolution No. 4 - Approving Grant Application Between the City of Watertown and the Edward Byrne Memorial Justice Assistance Grant Program, FY 2012 Local Solicitation

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City of Watertown is applying for federal funding under the Edward Byrne Memorial Justice Assistance Grant Program, and

WHEREAS the City is notifying City Council and the public of the grant funding opportunity that is being provided by the Justice Assistance Grant Program, and

WHEREAS the funding, if awarded, will be allocated to the City of Watertown and Jefferson County, and

WHEREAS as a requirement of the grant, the City of Watertown must enter into an inter-municipal Agreement with the County of Jefferson which details the terms of the grant,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Grant Application between the City of Watertown and the Edward Byrne Memorial Justice Assistance Grant Program, and

BE IT FURTHER RESOLVED that City Manager John C. Krol is hereby authorized and directed to draft and execute an inter-municipal Agreement with Jefferson County related to this grant on behalf of the City of Watertown.

Seconded by Council Member Joseph M. Butler Jr. and carried with all voting yea.

Resolution No. 5 - Accepting Bid for Paratransit Services, Guilfoyle Ambulance Service

Introduced by Council Member Roxanne M. Burns

WHEREAS the City Purchasing Department advertised and received proposals from qualified contractors to operate the City's Paratransit Program, and

WHEREAS invitations to bid were issued to eight (8) prospective brokers with two (2) proposals received, and

WHEREAS City Purchasing Manager Amy Pastuf, Superintendent of Public Works Eugene P. Hayes and Transit Supervisor Kathy Webster reviewed the bids received, and it is their recommendation that the City Council accept the bid submitted by Guilfoyle Ambulance Service on a minimum two-year lump sum pricing basis,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid received from Guilfoyle Ambulance Service for Paratransit Services on a two-year lump sum basis, and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute any contract documents associated with the acceptance of this bid.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.

Resolution No. 6 - Accepting Bid for Reconstruction of Clinton Street, North Country Contractors, LLC

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City Purchasing Department has advertised and received sealed bids for the reconstruction of Clinton Street from Holcomb Street to Washington Street, and

WHEREAS bid specifications and plans were requested by nine (9) prospective area builders, with five (5) bids being received and publicly opened and read in the City Purchasing Department on Tuesday, May 1 at 11:00 a.m., and

WHEREAS City Purchasing Manager Amy Pastuf reviewed the bids received with City Engineer Kurt Hauk, and it is their recommendation to accept of the bid submitted by North Country Contractors, LLC of Calcium, New York, in the amount of \$1,458,000 as the lowest qualifying bid meeting the City's specifications,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York hereby accepts the bid in the amount of \$1,458,000 submitted by North Country Contractors, LLC of Calcium, New York, for the reconstruction of Clinton Street per the City's specifications, and

***BE IT FURTHER RESOLVED that the award of this contract and the work called for thereby is expressly conditioned upon the City Council approving a bond ordinance for funding in the principal sum of \$1,215,000**

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute any contract documents associated with the acceptance of this bid.

Seconded by Council Member Joseph M. Butler Jr. and carried with all voting yea.

Prior to the vote on the resolution, Purchasing Agent Amy Pastuf alerted Council to the omission of pertinent information regarding the conditions of approval.

Motion was made by Council Member Smith to amend the foregoing resolution to include the bolded verbage as stated above, seconded by Council Member Macaluso and carried with all voting in favor thereof.

Mayor Graham inquired if the estimates were off, due to the fact that the original figure was \$2.6 million and the qualifying bid was awarded at \$1.458 million.

Mr. Hauk commented that the budget at bid time was a little over \$2.6 million. He added that the earlier the bid goes in in the season, the better the numbers are.

Mayor Graham asked when work will begin.

Mr. Hauk replied that the agreement will need to be signed, insurances will be put in place, and work may begin around July 4, 2012. He added that there will be a public meeting on May 23, 2012, at 7 p.m.

Council Member Butler inquired if some work is being done on the street now.

Mr. Hauk noted that National Grid is doing work in anticipation of the upcoming project.

Resolution No. 7 - Approving Property Donation; 429 Factory Street, Parcel No. 6-04-303.000

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City of Watertown Bureau of Code Enforcement inspected 429 Factory Street, Tax Parcel No. 6-04-303.000, on April 12, 2012, and

WHEREAS the building was found to be in a generally poor and unserviceable condition, constituting a safety hazard to the public, and

WHEREAS the City of Watertown is currently performing a design for the reconstruction of Factory Street, and

WHEREAS the City of Watertown is in need of an area to establish a storm sewer outfall along Factory Street as part of the reconstruction, and

WHEREAS the owner of 429 Factory Street, WLP Properties, LLC, is willing to donate its property to the City of Watertown for that purpose, and

WHEREAS the City of Watertown would, in exchange, then assume responsibility for all costs associated with the demolition of the existing structure at 429 Factory Street, and

WHEREAS New York State City Law, Section 20(3) empowers the City to accept a gift of the conveyance of property, and

WHEREAS the City Council of the City of Watertown considered and agreed to this offer at their regular meeting on May 7, 2012,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby determines that it is in the best interest of the City of Watertown to accept title to said property and assume responsibility for necessary demolition, and

BE IT FURTHER RESOLVED that the City Manager, John C. Krol, is hereby authorized

and directed to execute this transaction on behalf of the City of Watertown for Tax Parcel No. 6-04-303.000 for no monetary consideration, including all documents necessary to effect a transfer of title.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.

Prior to the vote on the resolution, Mayor Graham noted that the structure was being taken down today.

Mr. Hauk replied that the hazardous material removal has begun.

ORDINANCES

Ordinance No. 1 - An Ordinance Authorizing the Issuance of \$1,215,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Costs of the Reconstruction of Portions of Clinton Street, Including Street Repaving, Sidewalks and Related Right-of-Way Improvements, and Storm Sewer, Water Main and Sanitary Sewer Work, in and for Said City

Introduced by Council Member Jeffrey M. Smith

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section 1. For paying the costs of the reconstruction of portions of Clinton Street in and for the City, including street repaving, sidewalks and related right-of-way improvements, and storm sewer, water main and sanitary sewer work, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, a class of objects or purposes, there are hereby authorized to be issued \$1,215,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$1,520,000 and that the plan for the financing thereof is by the issuance of the \$1,215,000 bonds of said City authorized to be issued pursuant to this bond ordinance. The amount of bonds to be issued shall be reduced by the amount of any appropriations of current funds to pay part of the cost of the aforesaid class of objects or purposes, presently expected in the amount of \$305,000.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision ninety-one of paragraph a of Section 11.00 of the Local Finance Law, as said class shall consist of objects or

purposes with a period of probable usefulness of at least fifteen years under one or more of subdivisions 1, 3, 4 or 20 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Watertown, Jefferson County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Watertown, Jefferson County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local

Finance Law, as the City Comptroller shall determine.

Section 9. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This ordinance, which takes effect immediately, shall be published in summary in the Watertown Daily Times the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Seconded by Council Member Teresa R. Macaluso

Motion for unanimous consent moved by Council Member Smith, seconded by Council Member Macaluso and carried with all voting in favor thereof.

Council Member Butler asked what term is being used for the serial bonds.

Mr. Mills replied that for street reconstruction projects he uses a fifteen year term which will eventually be shortened to ten to take advantage of savings.

At the call of the chair, a vote was taken on the foregoing ordinance and carried with all voting yea.

Ordinance No. 2 - Amending Section 216-6 of the City Code of the City of Watertown, Ballplaying

Introduced by Council Member Roxanne M. Burns

BE IT ORDAINED that Section 216-6 of the City Code of the City of Watertown is amended by adding the following paragraph:

§ 216-6. Ballplaying. ***except for basketball**

- C. Ballplaying in the City-owned playground known as the Academy Street Playground and in the streets surrounding the playground area (Academy Street

and Clay Street) is prohibited.

and,

BE IT FURTHER ORDAINED that this amendment shall take effect as soon as it is published once in the official newspaper of the City of Watertown, or printed as the City Manager directs.

Seconded by Council Member Joseph M. Butler Jr.

Motion for unanimous consent moved by Council Member Burns, seconded by Council Member Butler and carried with all voting in favor thereof

Prior to the vote on the ordinance, Council Member Smith asked if basketball, kickball, whiffleball are included under the term ball playing. He noted there is a basketball court at the playground and if this ordinance excludes that.

Ms. Gardner replied that baseball and softball are the biggest issues when they are hit into people's houses and cause dents in siding and broken windows. She added the basketball hoop area has not been a problem.

Council Member Smith noted the ordinance just says ballplaying.

Mayor Graham said that could be changed.

Council and staff discussed ballplaying and how that is defined.

Council Member Smith said his concern is how ballplaying is defined when a basketball court is part of the playground area.

Attorney Slye replied it was most likely written when baseball was the national pastime and everyone knew what ballplaying was; he said it can be changed. He said the issue arises when someone violates the ordinance. Attorney Slye noted his guess is this is a complaint driven code section and the City is not out policing the ball fields to see how people are playing ball. He said it can be changed to identify what type of equipment can be used.

Mayor Graham said there are too many variables and said basically batted balls are the issue.

Ms. Gardner concurred, noting that the main complaint was teenagers playing ball in the late evening hours. During the day, she said, the playground staff will be present. She noted this is more of an avenue for homeowners to call police if someone is in violation.

Council Member Butler inquired when the playgrounds are open.

Ms. Gardner said they are open from 7:00 a.m. until 9:00 p.m.

Council Member Burns said based on what Ms. Gardner said and the clarification from Attorney Slye, she is comfortable with this ordinance as it gives City police the teeth they need if there is damage done to someone's property.

Council Member Smith commented that in today's litigious society, someone could call the police if people are playing basketball when a sign says no ballplaying.

Mayor Graham said Council could move to amend it to exclude basketball.

***Motion was made by Mayor Graham to amend the foregoing ordinance to exclude basketball, seconded by Council Member Macaluso.**

At the call of the chair, a vote was taken on the foregoing ordinance and carried with all voting yea.

Ordinance No. 3 - Amending City Municipal Code § A320, Schedule of Fees

Introduced by Council Member Jeffrey M. Smith

BE IT ORDAINED that Section A320-9 E of the City Code of the City of Watertown is amended to read as follows:

§ A320-9. Schedule of fees.

E. Other athletic fields.*

(1) Single game: \$30 per game plus \$25 for lights.

(2) Doubleheader (same teams): \$45 per game plus \$25 for lights.

(3) Performances: \$1,000 per day; \$500 per day to reserve the field prior or post event; plus additional expenses agreed upon and included in the contract.

*Other athletic fields include: Fairgrounds (3), Marble Street (2), North Elementary (5), and Kostyk field (1).

and,

BE IT FURTHER ORDAINED that Section A320-9 J of the City Code of the City of Watertown is amended to read as follows:

Municipal Fairgrounds facility fees shall be as follows:

J. There shall be no charge for Watertown and IHC high schools and Jefferson

Community College to use City-owned fields for practice.

and,

BE IT FURTHER ORDAINED that Section A320-9 of the City Code of the City of Watertown is amended by adding sub-section L to read as follows:

L. All-day rental fee for City-owned fields.

(1) For non-profit fundraising events: \$100 for the day, per field, with one initial chalk lining. Each additional chalk lining shall be \$25.

(2) For regular events: \$250 for the day, per field, with one initial chalk lining. Each additional chalk lining shall be \$25.

and,

BE IT FURTHER ORDAINED that this amendment shall take effect as soon as it is published once in the official newspaper of the City of Watertown, or printed as the City Manager directs.

Seconded by Council Member Teresa R. Macaluso

Motion for unanimous consent moved by Council Member Smith, seconded by Council Member Macaluso and carried with all voting in favor thereof

At the call of the chair, a vote was taken on the foregoing ordinance and carried with all voting yea.

Ordinance No. 4 - Changing the Approved Zoning Classifications of Various Properties on the River Side of East Main Street and the North Side of Water Street in Order to Implement the Local Waterfront Revitalization Program

Introduced by Council Member Teresa R. Macaluso

BE IT ORDAINED where certain changes to Zoning District boundaries are required in order to implement the City of Watertown's Local Waterfront Revitalization Program, and

WHEREAS City Staff have submitted a request to change the approved zoning classification of various properties on the river side of East Main Street and the north side of Water Street in order to implement the Local Waterfront Revitalization Program, and

WHEREAS the Planning Board of the City of Watertown considered the zone change request at its meetings held on April 3, 2012 and May 1, 2012, and adopted a motion recommending that the City Council approve the zone changes as requested, and

WHEREAS a public hearing was held on the proposed zone change on June 4, 2012, after due public notice, and

WHEREAS the City Council has made a declaration of Negative Findings of the impacts of the proposed zone change according to the requirements of SEQRA, and

WHEREAS the City Council deems it in the best interest of the citizens of the City of Watertown to approve the requested zone change,

NOW THEREFORE BE IT ORDAINED that the zoning classification of each of the parcels in the following list is hereby changed to **Neighborhood Business District**:

4-14-120.000	534 PEARL ST
4-14-121.000	548 PEARL ST

And,

BE IT FURTHER ORDAINED that the zoning classification of each of the parcels in the following list is hereby changed to **Residence C District**:

3-02-110.000	408 EAST ST
3-02-111.000	410 EAST ST
3-02-112.000	418 EAST ST
3-02-116.000	260 MAIN ST E
3-02-117.000	266 MAIN ST E
3-02-126.000	298 MAIN ST E
3-02-127.000	300 MAIN ST E
4-02-121.000	300 MAIN ST E
4-14-104.000	V L WATER ST N SIDE
4-14-105.000	549 WATER ST
4-14-106.000	541 WATER ST
4-14-106.001	545 WATER ST
4-14-107.000	539 REAR WATER ST
4-14-108.000	535 WATER ST
4-14-109.000	527 WATER ST
4-14-110.000	525 REAR WATER ST
4-14-111.000	521 WATER ST
4-14-111.001	VL-3 WATER ST
4-14-112.000	517 WATER ST
4-14-113.000	517 WATER ST
4-14-114.000	513 WATER ST
4-14-125.000	610 MAIN ST E

4-14-126.000	616 MAIN ST E
4-14-127.000	624 MAIN ST E
4-14-128.000	630 MAIN ST E
4-14-129.000	636 MAIN ST E
4-16-102.000	VL-5 WATER ST
4-16-103.000	585 WATER ST
4-16-103.001	575 WATER ST
4-16-105.000	VL MAIN ST E
4-16-105.001	563 WATER ST
4-16-106.000	555 WATER ST
4-24-102.000	737 WATER ST
4-24-103.000	733 WATER ST
4-24-104.000	729 WATER ST
4-24-105.000	725 WATER ST
4-24-106.000	VL-13 WATER ST
4-24-107.000	717 WATER ST
4-24-108.000	707 WATER ST
4-24-109.000	703 WATER ST
4-24-110.000	701 WATER ST
4-26-201.000	941 WATER ST
4-26-202.000	25 WATER ST
4-26-203.000	933 WATER ST
4-26-204.000	23 WATER ST
4-26-205.000	925 WATER ST
4-26-206.000	921 WATER ST
4-26-207.000	19-20 WATER ST
4-26-208.000	19-20 WATER ST
4-26-209.000	911 WATER ST
4-26-210.000	907 WATER ST
4-26-211.000	903 WATER ST
4-26-212.000	47 OAK AVE
4-26-213.000	48 OAK AVE
4-26-214.000	46 NORTH ST
4-26-215.000	45 NORTH ST
4-26-216.000	43 44 NORTH ST
4-26-217.000	43 44 NORTH ST
4-26-218.000	VL REAR WATER ST
4-26-219.000	10 NORTH ST
4-26-220.000	40 NORTH ST
4-26-221.000	39 NORTH ST

4-26-222.000	38 NORTH ST
4-26-301.000	861 WATER ST
4-26-302.000	857 WATER ST
4-26-303.001	851 WATER ST
4-26-305.000	843 WATER ST
4-26-307.000	835 WATER ST
4-26-308.000	8 WATER ST
4-26-309.000	829 WATER ST
4-26-310.100	823 WATER ST
4-26-311.000	819 WATER ST
4-26-312.000	4 WATER ST
4-26-313.000	811 WATER ST
4-26-314.000	805 WATER ST
4-26-315.000	801 WATER ST
4-26-316.000	64 SPRING ST
4-26-317.000	63 SPRING ST
4-26-318.000	62 SPRING ST
4-26-319.000	61 SPRING ST
4-26-320.000	819 WATER ST
4-26-322.000	58 SPRING ST
4-26-323.000	57 SPRING ST
4-26-324.000	56 SPRING ST
4-26-332.100	853 WATER ST
4-26-332.200	839 WATER ST
4-26-401.000	75 NORTH ST
4-26-402.000	74 NORTH ST
4-26-403.000	73 NORTH ST
4-26-404.000	72 NORTH ST
4-26-405.000	71 NORTH ST
4-26-406.000	70 NORTH ST
4-26-407.000	68 69 NORTH ST
4-26-408.000	68 69 NORTH ST
4-26-409.000	67 NORTH ST
4-26-410.000	907 NORTH ST
4-26-411.000	903 NORTH ST
4-27-601.000	32 WATER ST
4-27-602.000	31 WATER ST
4-27-606.000	27-30 WATER ST
4-27-607.000	37 NORTH ST
4-27-608.000	36 NORTH ST

4-27-609.000	35 NORTH ST
4-27-610.000	34 WALNUT AVE
4-27-611.000	33 WALNUT AVE
4-27-701.000	79 WALNUT AVE
4-27-702.000	78 NORTH ST
4-27-703.000	77 NORTH ST
4-27-704.000	76 NORTH ST
4-27-705.000	81 WALNUT AVE
4-27-706.000	80 WALNUT AVE

And,

BE IT FURTHER ORDAINED that that the approved zoning classification of the northwest portion of 491 Pearl Street, parcel number 4-02-101.100, be changed from Residence C District to Heavy Industry District, and

BE IT FURTHER ORDAINED that the Zoning Map of the City of Watertown shall be amended to reflect these changes, and

BE IT FURTHER ORDAINED this amendment to the Zoning Ordinance of the City of Watertown shall take effect as soon as it is published once in the official newspaper of the City of Watertown, or printed as the City Manager directs.

Seconded by Council Member Joseph M. Butler

Motion was made by Council Member Burns to schedule a Public Hearing on the foregoing ordinance for Monday, June 4, 2012 at 7:30 P.M. Motion was seconded by Council Member Smith and carried with all voting in favor thereof.

DISCUSSIONS

Mayor Graham reviewed the staff reports on the agenda.

Fountain Project at Flower Memorial Library

Mayor Graham mentioned staff is recommending shifting that project to 2013 to coincide with the façade project. He noted the cost has to be factored into budget documents and asked if it was roughly an additional \$50,000.

Mr. Mills replied that it would cover it and noted some overlap between the \$200,000 within the proposed budget with the fountain estimate. He said an additional \$50,000 should be added to the project.

Mayor Graham asked if the \$200,000 budgeted currently for the façade is to be funded through a general fund appropriation.

Mr. Mills said essentially it would be and that Mr. Krol has a report that summarizes all the changes to date.

Mayor Graham discussed the budget adjustments and said it is hard to say how many of the changes are extra or just funds being moved around.

Council Member Burns expressed her displeasure with pushing the fountain repairs off for another year. She said she was very disappointed with the memo and that she had been assured the project could and would happen this season. The Library Board was expecting it as well, she said. Council Member Burns said she understands Mr. Hauk's comments regarding having two contractors on site, which could be problematic but she said she cannot believe that it could not be worked out. She added that in the greater scheme of things, the fountain is a small project compared to the HVAC or the façade improvements. She said as a member of Council she is unsure if she has been brought up to speed as to the extent of what the façade renovations are going to require. She said she does not believe the project is large enough that it will encroach on other projects in the immediate area.

Mr. Hauk said he spoke to the Library Board and explained what the process was and noted that HVAC bids were recently received and there is a large amount of work that needs to be done, including putting a new tower on the roof. He added that the roof project was delayed because of the new tower and coming in right behind the HVAC contractor is the roof contractor. As far as the scheme of things, he said, his concern was that a lot of money would be spent fixing the fountains only to have more contractors doing work around them which leaves the potential for them to be damaged again. He added that his feeling is that the façade should be done first then work outward.

Mayor Graham noted that HVAC is above estimates.

Mr. Hauk agreed that it is and said he will have a report for Council at the next meeting. He added that it is considerably above estimates for the Library but City Hall is about on the mark.

Mayor Graham inquired about the section of marble fence that is broken.

Mr. Hayes noted that it is a different section than what was broken a few years ago.

Council Member Burns continued by saying that she respects the Engineer's recommendations and is pleased that those recommendations and concerns were taken to the Library Board last week. She said this has been a signature project of hers and since she is one of the five people voting on this topic, it would have been nice to have had the information brought to her as well as the Library Board.

Mayor Graham asked what Council's desire is on the project.

Council Member Smith said it would be nice to move ahead this year.

Council Member Macaluso noted that on the other hand, it would be unfortunate if someone damaged the fountain while doing the façade work.

Council Member Burns asked if there was a way to have communication with whatever contractor the City will be paying to come in next year, to ask for insurance that they do not damage the fountains that would be newly repaired.

Mr. Hauk replied that there will be language in the contract that the fountains will have to be protected. He said the façade should be fixed, as there are portions that are literally hanging. He noted that special measures taken to work around the fountain will incur additional costs. He recommended that the façade and fountain projects be rolled into one project. Mr. Hauk also noted the size of the fountain will remain the same but be slightly deeper.

Mayor Graham asked when the project will be put out to bid.

Mr. Hauk said that the bid will be put out in the fall for a spring 2013 start.

Council Member Butler commented that the fountain work is unique and fairly detailed.

Mr. Hauk replied they are actually not that detailed but rather cast in place concrete with an epoxy coating.

Council Member Butler said he does not necessarily trust whomever is doing the façade work to subcontract the masonry work for the fountains.

Mr. Hauk noted that if the projects are bid together there should be some incremental savings.

Council Member Burns noted she still has questions, and commented that the fountain project is not being put out to bid at all at this point.

Mr. Hauk said he had received a letter from SHIPPO giving the City the go-ahead to do what has been proposed. After conferring with Mrs. Wheeler and the Library Board and telling them what other projects are on the horizon, he gave his recommendation. He noted that they were concerned with the façade work and what that would entail and the HVAC work.

Council Member Smith inquired if there was anything that had to be done to get ready for the façade bid.

Mr. Hauk said the façade work would run the same gamut as the fountains, including design and going to SHIPPO.

Council Member Smith noted that the fountains are in the middle of the lawn and a contractor would have to take equal precautions with the lions or any of the marble.

Mr. Hauk noted that it matters where the contractor is staging material, including lift equipment or scaffolding.

Council Member Burns asked for permission to ask Attorney Slye's opinion on adding language in the contract to protect the City if the contractor damages other portions of the facility.

Attorney Slye said insurance would be required, just as it is required for work on the Soldier's and Sailors Monument on the Square.

Mayor Graham commented that the operative question is does the Council wish to have staff put the project to bid this year.

Council Member Burns and Council Member Smith said they would like to see it done this year.

Mayor Graham said the fountain looks ratty and he would like to see them fixed this year.

Council Member Butler commented that he would stick with the City Engineer on this one.

Council Member Macaluso concurred with Council Member Butler.

Mr. Mills asked that the funding still be put in the 2012-13 budget and appropriations are still needed to do the project.

Fairgrounds Arena Locker Room Estimate

Mayor Graham said that the City is not going to go the route of a new locker room.

Mr. Krol said there have been more discussions with Nicole Kiernan and a proposal was made which states the City would provide two shower locker rooms to the team when they have a game there. Rather than having a dedicated locker room for the team, he said, the City asked that they consider removing their equipment after the games and storing it in a trailer or portable facility. He said the team is considering the offer. He further discussed the usage and availability of the locker rooms by high school teams and during tournaments. He added that two other teams are considering joining the league which adds some complexity in scheduling. Mr. Krol said the deadline for their decision has been extended a couple of weeks as they are trying to figure out how to schedule the teams. He said there is a balance to make sure the City is not missing any other uses and that current users are not inconvenienced. He noted that one of the Privateers needs is a shower for referees in a separate locker room, which is not currently in place. Staff is looking at the possibility of adding a single stall or maybe two showers to locker rooms that have no showers, he said.

Clock Tower

Mayor Graham said Reverend Smith has called recently concerned about a resolution on the matter.

Work Session Schedule

Mayor Graham noted this topic broaches the budget issue which has some loose ends, most notably a contingent account for management raises and others, at one percent. The other issue, he said, was to set the tax levy. He asked Council if there were any other questions or things that needed to be changed.

Council discussed when to have further budget talks.

Council Member Smith stated he would not be available from June 1 through June 8.

Mayor Graham asked if Council would be prepared to vote on the budget on June 4 at 6:45 p.m.

Council Member Burns and Council Member Butler replied they would be prepared to vote.

Mayor Graham noted that there are no debates anticipated regarding the budget.

Council Member Burns said if there are changes or discussions regarding the budget she said they should be addressed tonight while Council Member Smith is present. She said she is pleased with the fiscal position the City is in. Sales tax continues to increase, new businesses are opening up over the summer and the number of Canadian visitors and shoppers is strong, she said. Because of those factors, Council Member Burns commented she would like to pass the savings on to the taxpayers and would like to see a budget with a zero percent tax increase.

Council Member Butler inquired how that would be accomplished.

Council Member Burns replied that the fund balance would obviously be utilized or changing assumptions on revenues. She said some projections could be increased.

Mayor Graham said the budget began with a levy increase of between four and six percent.

Mr. Mills said that was correct.

Mayor Graham noted that there are variables that have to be accounted for. He said the budget is framed by what is proposed, as if all figures and assumptions are exactly what they will be in real time over the next twelve months. He noted that some things could over-perform or under-perform.

Council Member Smith said he agrees with Council Member Burns to have the zero figure but it makes more fiscal sense to have at least one percent.

Council Member Butler inquired about sales tax figures.

Mr. Mills replied that a five percent increase was projected over this year's actual.

Mayor Graham noted that with a full nest at Fort Drum, which is a situation that has not been seen in recent history, during the heart of the fiscal year, additional activity will be going on in the area and sales tax will continue to perform.

Mayor Graham asked if Council supported setting the increase at one percent.

Council Member Butler and Council Member Smith said they supported that amount.

Council Member Butler discussed self-funded health insurance and the stop-loss figure needs to be raised. He mentioned raising the stop-loss figure to 200 and what the premium savings would be.

Mr. Mills replied it was bid out that way and results are due back in the middle of June.

Council Member Macaluso said she supports the zero percent figure.

Mayor Graham noted the majority of the Council is willing to support the one percent amount and asked that documents be prepared with that in mind.

Council discussed when to hold the next adjourned meeting and agreed upon May 31, 2012, at 6:30 p.m.

Air Conditioning

Council Member Burns thanked the Mayor for turning on the air conditioning in the building, noting it was quite warm while conducting interviews over the weekend.

Ornamental Light Posts

Council Member Burns wished to notify the City Manager that the top of an ornamental light post on Stone Street, in the Mercy block, is leaning over which makes for a dangerous situation.

Pit Bull Incident at Knickerbocker Playground

Council Member Burns informed Council that there was another incident in which a pit bull bit someone at the Knickerbocker School playground. She said the dog, unprovoked, attacked someone. The individual was not seriously injured, she said, but did need to go to the hospital and receive stitches. She noted that it supports other conversations that she has had at City Hall regarding the need to think about the danger that exists.

Council Member Butler said he agreed and suggested revisiting the issue.

Ornamental Lighting

Council Member Butler said he has seen a few light posts with a new light fixture but the original pole. He added that it does not look good and questioned what the contract states between the City and National Grid.

Mr. Krol replied that the issue will be looked into.

Motion was made by Council Member Smith to move into Executive Session to discuss the employment history of particular individuals and collective bargaining.

Motion was seconded by Council Member Butler and carried with all voting in favor thereof.

Council moved into Executive Session at 8:36 p.m.

Council reconvened at 9:25 p.m.

A D J O U R N M E N T

At the call of the chair, meeting was duly adjourned at 9:25 p.m. until Thursday, May 31, 2012, at 6:30 p.m. by motion of Council Member Butler, seconded by Council Member Burns and carried with all voting in favor thereof.

Amanda C. Lewis
Deputy City Clerk